

Procedural Guide

1200-500.30

DCFS COUNTYWIDE ALCOHOL AND DRUG TESTING PROGRAM

Date Issued: **02/04/10**

- ☐ New Policy Release
- ☒ Revision of Existing Procedural Guide 1200-500.30, DCFS Countywide Alcohol and Drug Testing Services, dated 09/28/09.

Revision Made: **NOTE: Current Revisions are Highlighted.**

At the request of the contracted vendor, Pacific Toxicology and the Office of the Medical Director the following instruction was added on page 13: "Sign the identification document or have your SCSW sign it."

Cancels: None

DEPARTMENTAL VALUES

The Department continues to focus on three priority outcomes. The three identified outcomes are improved safety for children, improved timelines to permanency, and reduced reliance on out of home care. This Procedural Guide is to provide CSW's with guidelines for the Countywide Alcohol and Drug Testing Program, as well as instruction in providing parents with alcohol and/or drug testing services.

WHAT CASES ARE AFFECTED

This Procedural Guide is applicable to all new and existing referrals and cases.

OPERATIONAL IMPACT

The DCFS Alcohol and Drug Testing Program are is utilized to assist Children's Social Workers (CSWs) in determining if a child under the supervision of the Department can be safely placed in the home of his/her parent or caregiver when, either in the past or present, substance abuse has been an identified issue. The DCFS Alcohol and Drug Testing Program is contracted through Pacific Toxicology. DCFS clients will test on a random or specialized schedule or on an on-demand basis.

Pacific Toxicology contracts with at least 19 collection sites throughout Los Angeles County to perform the urine specimen collections. A complete list of the collection sites can be found on the LA Kids Drug Testing Website:

<http://lakids.dcfslacounty.gov/DrugTesting%2009/Default.html>

NOTE: CSWs should first seek alternative resources for alcohol and drug testing services for clients before referring clients to Pacific Toxicology. There are a number of substance abuse treatment programs/options available to clients that provide testing. Due to ongoing financial constraints of the DCFS Alcohol and Drug Testing Program, these programs/options should be considered **prior** to enrollment in the DCFS Alcohol and Drug Testing Program.

CSWs should explore alternative testing options for clients from resources which may include, but are not limited to, the following:

- Substance abuse treatment facilities.
- Alcohol and Drug Program Administration (ADPA) website: Assists CSWs with locating resources within the client's area. <http://ph.lacounty.gov/adpa/index.htm> (CSWs should give priority consideration to this website).
- Time Limited Family Reunification: This Countywide program serves a diverse population, including but not limited to, undocumented clients. Contact: Rhonda David-Shirley, Program Analyst, (213) 351-3235.
- Family Preservation: Do not refer clients for the sole purpose of testing. Testing can be considered as one service delivery component in determining if the Family Preservation Program is appropriate.

The following alternative testing options are available to select offices:

- Dependency Drug Court: At this time, services are available at the Belvedere, Vermont Corridor, Metro North, Palmdale, Lancaster, and Torrance offices only.
- Linkages CSWs in participating offices should contact the co-located GAIN services worker in their office. All other CSWs should contact their clients' DPSS workers through the local welfare office.

CSWs are to be reminded that all testing services for clients are to be performed by a DCFS approved testing facility, that the service provider is to testing for the client's drug of choice, and that all tests are to be random and witnessed by staff. The DCFS Alcohol and Drug Testing Program should only be utilized to supplement testing when one or more of the following exists:

1. A treatment provider is unable to provide at least two tests per month just as permitted under the Random Program.

2. A treatment provider is unable to provide more than two tests and a client was Court-ordered to participate in a specialized schedule.
3. A treatment provider does not test for the client's drug of choice and is unable to perform a specialized test for the client's drug of choice.
4. The client was ordered to participate in testing, but not treatment.

The DCFS Alcohol and Drug Testing Program may be utilized by Emergency Response CSWs for On-Demand tests to assist with investigations. However, if a client continues to require testing, CSWs should consider the information contained herein.

In Family Reunification drug and/or alcohol testing results provide current information on whether the parent/caregiver is continuing to use drugs and/or alcohol. A client's testing record is one of many tools used by the CSW to determine further steps toward Family Reunification.

In Family Maintenance cases the DCFS Alcohol and Drug Testing Program assists in the assessment of child safety within the home in cases involving potential or actual drug and/or alcohol use.

Clients who are receiving Permanent Placement services may not utilize the DCFS Alcohol and Drug Testing Program without a current court order.

To assist CSWs in understanding the services provided through the DCFS Alcohol and Drug Testing Program, and accessing the forms, a Drug Testing Website has been developed and posted on LA Kids. CSWs are advised that clients might not be allowed to participate in alcohol or drug testing if the referral forms are incomplete or not completed correctly. To ensure that the DCFS Alcohol and Drug Testing Program forms are submitted to Pacific Toxicology in a complete and legible manner, procedures are outlined in on the Drug Testing Website.

When clients are directed to submit to random testing, they are instructed to call ~~daily~~ the DCFS Alcohol and Drug Testing Program Client '800' number at (800) 829-0100 on a daily basis Sunday through Thursday, after 6:30 p.m. This '800' number has a recorded message that is changed daily Sunday through Thursday. The message, both in English and Spanish, announces the letters that will be called for testing the following day. Clients are to submit for testing if the letter announced corresponds with the client's first letter of their last name.

Those clients who are participating in a Specialized Schedule (i.e. weekly testing or testing for a limited timeframe) and have a current Court order stating as such will be tested as ordered.

Negative test results will be forwarded by Pacific Toxicology to the CSWs within 24 hours from the day the client tested. Positive confirmations and no show reports will be forwarded within 72 hours from the day the client tested or failed to test.

The DCFS Warm Line (877) 688-6942 was established by Pacific Toxicology to answer CSWs' inquiries regarding client referrals, testing results and other issues. The DCFS Warm Line operates Monday through Friday from 8:00 a.m. to 5:00 p.m.

NOTE: All client referrals for alcohol and/or drug testing need to be faxed to Pacific Toxicology, not to the collection sites. The fax number to Pacific Toxicology is (818) 598-8488. CSWs who refer clients directly to a collection site and do not fax a form to Pacific Toxicology will not receive a no-show report if the client fails to test.

On December 31, 2000, the Board of Supervisors ordered the Department to require that all drug-testing facilities, serving the Department's clients, visually monitor the collection of specimens. As a result of this order, the DCFS Alcohol and Drug Testing Program has mandatory witnessed collections. Clients cannot be exempted from the mandatory witnessed collection.

Releases of Information:

Pursuant to State and Federal Confidentiality Laws regarding substance abuse testing, it is mandatory for CSWs to obtain a signed DCFS 5007 from each client in order to receive the test results. Further, this release is mandatory for the CSW to be permitted to disclose this information to the Court. On December 31, 2000, the Board of Supervisors ordered the Department to request that clients who are Court-ordered to participate in alcohol or drug testing sign waivers (Releases of Information). This requirement applies to Voluntary cases as well.

The DCFS 5007 is valid for one year from the date the client signs the form, or **until** termination of the case, whichever comes first.

The DCFS 5007 can be obtained on LA Kids forms site.

NOTE: In the event that a DCFS 5007 has not been completed by the client, results may still be obtained if Court has ordered the results to be released to DCFS. When submitting a Court report the CSW should recommend that DCFS refer the client to random testing and that all results are to be released to DCFS. **Unless Court has ordered that testing results are to be released to DCFS, it is mandatory for CSWs to obtain a signed DCFS 5007 from each client in order to receive the test results.**

Procedures

A. WHEN: ENROLLING A CLIENT IN THE DCFS ALCOHOL AND DRUG TESTING PROGRAM'S RANDOM SCHEDULE

All referrals for random testing will last no more than six months, and will require the submittal of another referral form, if additional testing is ordered. If another referral form is not submitted before the 6 month termination date, the client will be terminated from the Testing Program without notice.

CSW Responsibilities

1. Complete all sections of the DCFS Alcohol-Drug Random Test Referral form (available in English and Spanish) posted on the LA Kids Drug Testing Website. If completing the form manually, the writing must be legible. **The client's name and date of birth must match exactly what is stated on the client's identification that is presented for testing purposes (i.e. no spelling errors, no nicknames).** CSWs will be notified of rejected referrals via the fax number (s)he provides on the referral form.
2. Mark the box at the top (left) of the referral form to indicate if the client is to test for drugs and alcohol or alcohol only. This should coincide with the client's substance abuse issues or Court orders, if applicable.
3. Mark the box at the top (right) to indicate new or change;
 - a) **New:** The client is being referred for the first time, or the client's initial referral is reaching/has reached expiration and the client requires ~~an additional-referral~~ testing.
 - b) **Change:** The client was already referred, and the referral is being updated to notify the vendor of such issues as a change in collection site, changing the case number from the CPH referral number to the state number, changing the client's status from a random to a weekly testing schedule (Note: This update must be submitted with the Court order that reflects this schedule change.), updating the vendor regarding a client's medication, etc. The existing referral may be used as long as the "change" box is marked and the changes are clearly indicated.
4. For clients referred pre-disposition, a client should be reassessed once disposition on a case is reached to ensure that the alcohol and/or drug testing referral remains consistent with the disposition case plan.
5. If a client requests to be tested at an alternate Pacific Toxicology collection site on a one-time only basis, contact Pacific Toxicology at (877) 688-6942, for instructions on making these arrangements.
6. Complete the DCFS 5007 form and obtain the client's signature.

7. Provide the client with a copy of the DCFS Alcohol-Drug Random Test Referral form and the DCFS 5007, and ensure that the client fully understands the instructions for testing as indicated on the referral form.
8. Fax the completed DCFS Alcohol-Drug Random Test Referral form and the DCFS 5007 to Pacific Toxicology at (818) 598-8488.
9. File both forms and the fax confirmation in the (red) Additional Services Documentation Folder of the case file.

B. WHEN: REQUESTING AN ON-DEMAND TEST

Effective March 17, 2008: All On-Demand referrals must be signed by a SCSW.

Testing-On-Demand is utilized at the discretion of the CSW when a client's behavior or physical appearance indicates suspected alcohol or drug use. CSWs conducting investigations received by the Child Protection Hotline may deem it appropriate to refer a client for an On-Demand test. Or, for open cases, a CSW may receive information that a client is using drugs on a specific day ~~or~~ and that a child is at-risk due to the child being in the home of the (alleged) substance abuser or the (alleged) substance abuser has unmonitored visitation with the child. Be advised, testing On-Demand is most useful when it is requested for the same day or the next day.

In the event that a client does not test, and the CSW fails to fax the form to Pacific Toxicology, a No-show report will not be provided. This applies to all referrals.

NOTE: Please be advised that Testing On-Demand may not be utilized to obtain additional testing for a client beyond what is provided by the Random Program. Testing-On Demand is available on a one-time only basis. Additional On Demand test requests require pre-approval by the Program Manager of the Testing Program.

THERE ARE THREE OPTIONS FOR REFERRING CLIENTS FOR TESTING ON-DEMAND:

B1. WHEN: THE CSW DOES NOT WISH TO ENROLL THE CLIENT IN THE DCFS ALCOHOL AND DRUG TESTING PROGRAM'S RANDOM TESTING SCHEDULE, HOWEVER THE CSW WANTS TO REFER A CLIENT FOR AN ON-DEMAND TEST

CSW Responsibilities

1. Complete the DCFS Alcohol – Drug ON DEMAND Testing Referral form, noting if the client is to test for alcohol and drugs, or alcohol only. Be sure to complete section 5 to indicate the date in which you are requesting the On-Demand test.
2. Complete the DCFS 5007 and obtain the client's signature.
3. Fax the completed DCFS Alcohol – Drug ON DEMAND Testing Referral form and the DCFS 5007 to Pacific Toxicology at (818) 598-8488.
4. Provide the client with a copy of both forms and instruct the client to test On-Demand on the date indicated on the referral.
5. File the referral form, the DCFS 5007, and the fax confirmation inside the (red) Additional Services Documentation Folder of the case file. For ER CSWs, these documents are to be filed with the referral.

NOTE: Under this option, clients will not be enrolled in the Testing Program and they will only test on the date designated by the CSW. If the CSW later wishes to enroll the client in the Alcohol - Drug Testing Program, complete the DCFS Alcohol-Drug Testing Random Test Referral form indicating it is a new referral, and if the client is to test for alcohol and drugs, or alcohol only.

B2. WHEN: THE CSW WISHES TO ENROLL THE CLIENT IN THE DCFS ALCOHOL AND DRUG TESTING PROGRAM'S RANDOM SCHEDULE, BUT INITIALLY REQUIRES THE CLIENT TO TEST ON-DEMAND,

CSW Responsibilities

1. Complete the DCFS Alcohol – Drug ON DEMAND Testing Referral form indicating if the client is to test for alcohol and drugs, or alcohol only. Be sure to complete Section 5 to indicate the date in which you are requesting the On-Demand test.
2. Complete the DCFS Alcohol-Drug Testing Random Test Referral form, indicating if it is a new referral, and if the client is to test for alcohol and drugs, or alcohol only.
3. Complete the DCFS 5007 and obtain the client's signature.

4. Obtain a SCSW signature for approval on the DCFS Alcohol – Drug ON DEMAND Testing Referral form.
5. Fax the completed Alcohol-Drug Testing Referral forms and the DCFS 5007 to Pacific Toxicology at (818) 598-8488.
6. Provide the client with a copy of all 3 forms and:
 - a) Instruct the client to test On-Demand on the date indicated on the On-Demand referral.
 - b) Instruct the client to call the DCFS Alcohol and Drug Testing Program's Client '800' number at (800) 829-0100, Sunday through Thursday, after 6:30 p.m., following the initial On-Demand test.
7. File referral forms, the DCFS 5007, and the fax confirmation inside the (red) Additional Services Documentation Folder of the case file.

B3. WHEN: A CSW IS REQUESTING AN ON-DEMAND TEST FOR A CLIENT WHO IS ALREADY ENROLLED IN THE ALCOHOL AND DRUG TESTING PROGRAM'S RANDOM SCHEDULE

CSW Responsibilities

1. Complete the DCFS Alcohol – Drug ON DEMAND Testing Referral form indicating if the client is to test for alcohol and drugs or ~~both~~ alcohol only. Be sure to complete Section 5 to indicate the date in which you are requesting the On-Demand test.
2. Fax the completed DCFS Alcohol – Drug ON DEMAND Testing Referral form to Pacific Toxicology at (818) 598-8488.
3. Provide the client with a copy of the referral form and instruct the client to test On-Demand on the date indicated on the referral.
4. File the referral form and the fax confirmation inside the (red) Additional Services Documentation Folder of the case file. For ER CSWs, these documents are to be filed with the referral.

NOTE: If it is not possible to provide the client with a copy of the DCFS Alcohol – Drug ON-DEMAND Testing Referral form, verbally instruct the client to go to the collection site to Test On-Demand. Be advised, the CSW must also fax the DCFS Alcohol – Drug ON-DEMAND Testing Referral form to Pacific Toxicology ahead of time. The verbal instruction to the client must factor in the time it takes to fax a copy of the form to Pacific Toxicology, and for Pacific Toxicology to call the collection site and add the client to the On-Demand list. Allow a minimum of three hours before the client is expected at the collection site. This procedure applies to all referrals.

NOTE: If a CSW is in the field and provides the referral to the client prior to obtaining a SCSW signature or a client is verbally referred to a collection site for an On-Demand test, the CSW must, upon return to the DCFS office, fax a signed referral to Pacific Toxicology. The client will be courtesy-tested without a supervisor's signature, however, test results will not be provided until such time as a supervisor's signature is provided to Pacific Toxicology.

C. WHEN: A CSW NEEDS TO REQUEST A SPECIALIZED DRUG TESTING SCHEDULE

CSWs with a current Court order can request that a client be tested on a Specialized Schedule. An example of a Specialized Schedule would be a client testing two times per week, or one time per month. The Specialized Schedule must reflect the schedule that is ordered by the Court.

It must be recognized that implementing a specialized drug testing schedule requires the direct involvement of the CSW in terms of making specific arrangements with the client to notify the client that (s)he is to test. In addition, it is the CSW's responsibility to notify Pacific Toxicology that the client has been Court ordered to participate in a Specialized Schedule.

NOTE: If the client has already been referred to the DCFS Alcohol and Drug Testing Program's random schedule and there is a new order by the Court for a Specialized Schedule, the CSW does not need to complete a new referral. The CSW may use the existing referral by checking the "change" box (upper right side) and completing Section 4 Specialized Schedule/Special Instructions, obtaining a SCSW signature, and faxing the form to Pacific Toxicology along with the Court order.

CSW Responsibilities

1. Complete the DCFS Alcohol-Drug Random Testing Referral form for clients not currently enrolled in the random schedule. Indicate on the Special Instructions/Specialized Schedule line the specific schedule that is required for the client to test (i.e. weekly).
2. Obtain a SCSW signature.
3. Contact Pacific Toxicology using the DCFS Warm Line at (877) 688-6942 and inform them that arrangements are being made for a client to participate in a specialized testing schedule. The Warm Line staff will provide the CSW with the two pre-arranged random test dates the client is scheduled to test on for the month. (Note: This process of contacting the DCFS Warm Line for the two pre-arranged random test dates must be completed each month for the duration of testing under the Specialized Schedule.)
4. Complete the DCFS 5007 and obtain the client's signature.
5. Fax the DCFS Alcohol-Drug Random Testing Referral form and DCFS 5007, and the Court order to Pacific Toxicology at (818) 598-8488.
6. For any additional testing beyond the two pre-arranged random tests dates, the CSW must complete an On-Demand referral form and notify the client of each On-Demand test date. For each day the CSW requests the client to test, the CSW should give the client reasonable notice of the day to test, such as after 12:00p.m. the day prior to the test, or within reasonable time on the day of the test. It is recommended that the CSW and client work out reliable ways to communicate this information ahead of time.
7. File the forms and the fax confirmation in the (red) Additional Services Documentation Folder of the case file.

D. WHEN: OBTAINING TEST RESULTS

Test results are faxed by Pacific Toxicology to each SPA Office. The results are faxed to one designated fax machine per SPA Office, and an assigned contact person at each SPA Office distributes the test results to each unit.

In the event that a CSW does not receive the test results for a client, the CSW should first check with the designated SPA Office Contact to find out if the results have been distributed. A list of the SPA Office Contacts can be found on the LA Kids Drug Testing website. If, after checking with the SPA Office Contact, the CSW is still unable to locate test results, the CSW may call Pacific Toxicology using the DCFS Warm Line at (877) 688-6942. The DCFS Warm Line operates Monday through Friday from 8:00 a.m. to 5:00 p.m.

E. WHEN: A DI RECEIVES A CASE WHERE THE CLIENT IS ALREADY ENROLLED IN THE DCFS ALCOHOL AND DRUG TESTING PROGRAM

When a client has already been referred for testing services, a DI may also request to receive the results.

DI Responsibilities

1. Complete all sections of the DCFS Alcohol-Drug Testing Services Dependency Investigator Information form. Fax the completed form to Pacific Toxicology at (818) 598-8488.

NOTE: The DI must complete the DCFS Alcohol-Drug Testing Services Removal of Dependency Investigator form, once the DI is no longer be assigned to the case.

F WHEN: A CSW RECEIVES A CASE WHERE THE CLIENT IS ALREADY ENROLLED IN THE DCFS ALCOHOL AND DRUG TESTING PROGRAM

It is imperative that CSWs complete the DCFS Alcohol and Drug Testing Program Change of Social Worker form. This action will ensure that the newly assigned CSW receives timely and accurate information regarding his/her client's progress in the Testing Program.

CSW Responsibilities

1. Complete all sections of the Change of Social Worker form. If completing the form manually, the writing must be legible.

NOTE: The Change Of Social Worker form can be downloaded from the DCFS Drug Testing Website and saved as a template.

2. Fax the Change of Social Worker form to Pacific Toxicology at (818) 598-8488.
3. File both the form and the fax confirmation in the (red) Additional Services Documentation Folder of the case file.

G. WHEN: TERMINATING A CLIENT FROM THE ALCOHOL AND DRUG TESTING PROGRAM

DCFS clients who are no longer required to test through the DCFS Alcohol and Drug Testing Program must be officially terminated from the Testing Program. This is necessary so that DCFS and Pacific Toxicology can accurately track the volume of clients who receive alcohol and/or drug testing services through the Department's contract with Pacific Toxicology.

CSW Responsibilities

1. Upon termination of child protective services and/or instructions to the client to cease testing, complete all sections of the Notice of Termination form. If completing the form manually, the writing must be legible.

NOTE: The Notice of Termination form can be downloaded from the DCFS Drug Testing Website and saved as a template.

2. Fax the Notice of Termination form to Pacific Toxicology at (818) 598-8488.
3. File both the form and the fax confirmation in the (red) Additional Services Documentation Folder of the case file.

H. WHEN: A CLIENT *DOES NOT* SHOW FOR SIX CONSECUTIVE MONTHS

Pacific Toxicology, under the terms of their contract with DCFS, is obligated to submit a No-Show Report for every single client who is enrolled in the Testing Program and does not submit for testing at the collection site on the date the client's letter (first initial of the client's last name) is called or on the date the client was requested to participate in an On-Demand test and failed to show.

NOTE: All clients participating in the Random Testing Program will be automatically terminated from the Program after 6 months or based on the end date provided by the CSW at the time of the referral, whichever comes first. With implementation of this automatic termination, there may be clients terminated from the Testing Program that continue to receive Family Maintenance/ Reunification Services and/or have a current Court order requiring participation in testing. In those instances, clients will have to be re-referred to the Program and, for those enrolled in a Specialized Schedule, the Court order must be attached to the new referral. To avoid a lapse in testing, it is recommended that clients be re-referred with a start date that coincides with the termination date of the previous referral.

For clients referred prior to March 17, 2008, clients will be automatically terminated after twelve (12) consecutive months of no-shows.

For more information, please visit the Drug Testing Website on LA Kids.

I. WHEN: A DCFS CLIENT DOES NOT POSSESS A PHOTO IDENTIFICATION

CSW Responsibilities

The current provider requires clients to provide a photo ID when testing. DCFS clients who do not possess photo identification will be provided with his/her photograph on DCFS letterhead to utilize specifically for alcohol and/or drug testing. To create this "identification," the CSW shall do the following:

- Photograph the client and copy the image onto DCFS letterhead (Note: The client's photo must be of a quality that clearly identifies the client).
- Type or write the client's identifying information (i.e. name and DOB) and case information (i.e. State Number and the name of oldest child in the case)
- Provide the CSW and SCSW names and phone numbers
- Type or write the following: "This serves as a means to allow the client named herein to participate in the DCFS Alcohol and Drug Testing Program **ONLY**"
- Sign the identification document **or have your SCSW sign it.**

APPROVAL LEVELS

Section	Level	Approval
A.	SCSW	Extension of DCFS Alcohol-Drug Random Testing
B.	SCSW	On Demand referrals for testing.
C.	SCSW	Specialized Schedule for testing
D – H.	None	

OVERVIEW OF STATUTES/REGULATIONS

Penal Code, Section 11165.13 states, for purposes of this article, a positive toxicology screen at the time of the delivery of an infant is not in and of itself a sufficient basis for reporting child abuse or neglect. However, any indication of maternal substance abuse shall lead to an assessment of the needs of the mother and child pursuant to Section 123605 of the Health and Safety Code. If other factors are present that indicate risk to a child, then a report shall be made. However, a report based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse shall be made only to a county welfare or probation department, and not to a law enforcement agency.

Penal Code, Section 11165.2. As used in this article, "neglect" means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person. (b) "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred. For the purposes of this chapter, a child receiving treatment by spiritual means as provided in Section 16509.1 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by parent or guardian after consultation with a physician or physicians who have examined the minor does not constitute neglect.

Welfare and Institutions Code Section 300(b)

Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court, which may adjudge that person to be a dependent child of the court:

(b) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse. No child shall be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family. Whenever it is alleged that a child comes within the jurisdiction of the court on the basis of the parent's or guardian's willful failure to provide adequate medical treatment or specific decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical treatment, non-treatment, or spiritual treatment through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the child from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the nature of the treatment proposed by the parent or guardian, (2) the risks to the child posed by the course of treatment or non-treatment proposed by the parent or guardian, (3) the risk, if any, of the course of treatment being proposed by the petitioning agency, and (4) the likely success of the courses of treatment or non-treatment proposed by the parent or guardian and agency. The child shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the child from risk of suffering serious physical harm or illness.

Welfare and Institutions Code Section 361.5 states in pertinent part that when counseling or other treatment services are ordered, the parent or guardian shall be ordered to participate in those services, unless the parent's or guardian's participation is deemed by the court to be inappropriate or potentially detrimental to the child.

Welfare and Institutions Code Section 361.5 states in pertinent part, that When counseling or other treatment services are ordered, the parent or guardian shall be ordered to participate in those services, unless the parent's or guardian's participation is deemed by the court to be inappropriate or potentially detrimental to the child.

Welfare and Institutions Code Sections 5328 states in pertinent part that all information and records obtained in the course of providing services under Division 4 (commencing with Section 4000), Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7100), to either voluntary or involuntary recipients of services shall be confidential. Information and records obtained in the course of providing similar services to either voluntary or involuntary recipients prior to 1969 shall also be confidential.

Welfare and Institutions Code Sections 10850 summarizes the guidelines regarding confidentiality of sharing applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this state from the United States government.

United States Code of Federal Regulations, Section 42 CFR 2.11 defines titles and terms such as disclose, disclosure, patient, patient identifying information, qualified service organization, records, and treatment.

United States Code of Federal Regulations, Section 42 CFR 2.12 describes what type of information applies to the confidentiality of alcohol and drug abuse patient records.

United States Code of Federal Regulations, Section 42 CFR 2.13 outlines restriction as to when information that is being requested is to remain confidential.

LINKS

**California Code
Division 31 Regulations
Title 22 Regulations**

<http://www.leginfo.ca.gov/calaw.html>
<http://www.cdss.ca.gov/ord/PG309.htm>
<http://www.dss.cahwnet.gov/ord/PG295.htm>

RELATED POLICIES

[Procedural Guide 0050-502.10](#), Child Protection Hotline (CPH) Basic Responsibilities
[Procedural Guide 0050-503.20](#), Child Protection Hotline (CPH) Classification of Allegations
[Procedural Guide 0050-503.80](#), Infants Prenatally Exposed to Drugs and/or Alcohol
[Procedural Guide 0070-521.10](#), Assessment of Drug/ Alcohol Abuse
[Procedural Guide 0070-526.10](#), Assessment of Fetal Alcohol Syndrome

FORM(S) REQUIRED/LOCATION

HARD COPY: None

LA Kids: [DCFS 5007](#), Consent for the Release of Confidential Alcohol or Drug Testing Results
DCFS Alcohol - Drug Random Test Referral
DCFS Alcohol - Drug on Demand/One Time Only Test Referral
DCFS Alcohol - Drug on Demand Testing Referral
DCFS Alcohol - Drug Testing Service Change of Social Worker
DCFS Alcohol - Drug Testing Services Notice of Termination of Client From Alcohol Drug Testing Services
(The DCFS forms above are located on the Drug Testing Website, located on LA Kids)

CWS/CMS: None

SDM: None